Case CM-2492

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of	:	
Peter Robert Foley, et al.	:	
Serial No. 09/910,281	:	Group Art Unit 1751
Filed: July 19, 2001	:	Examiner G. Delcotto
Confirmation No. 2076	:	
For CLEANING COMPOSITION	:	

DECLARATION OF HOWARD D. HUTTON, III

UNDER 37 C.F.R. SECTION 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. I, Howard D. Hutton, III, declare as follows under penalty of perjury.

2. I received a B.S. degree in Chemistry from Edinboro University of Pennsylvania, and a PhD in Chemistry from The Ohio State University.

3. I am employed as a Principal Scientist by The Procter & Gamble Company, and have been working at Procter & Gamble for eleven years. My work in graduate school and at Procter & Gamble has focused on surface chemistries. I published a number of papers in graduate school relating to surface chemistries.

4. I have reviewed U.S. Patent 5,929,007 issued to Feng.

5. I have reviewed the U.S. Patent Office Action in Application Serial No. 09/910,281, which contains the following statements:

> Note that, the Examiner asserts that the composition as exemplified by Feng would inherently have the same pH, liquid surface tension, and other physical parameters as recited by the instant claims because Feng teaches a composition

containing the same components in the same proportions as recited by the instant claims.

Alternatively, even if the broad teachings of Feng is not sufficient to anticipate the material limitations of the instant claims, it would have been nonetheless obvious to one of ordinary skill in the art to arrive at the claimed pH and surface tension of the composition in order to provide optimum cleaning properties to the composition because Feng teaches that the amount of required components added to the composition may be varied.

6. These statements are incorrect. Feng teaches that key solvent ratios are required for performance. Specifically, Feng teaches that the composition described therein comprises between 3.0 and 9.0% wt. of a glycol ether solvent system comprising one glycol ether or glycol ether acetate solvent having a solubility in water of not more than 20% wt. (an insoluble solvent), and a second glycol ether or glycol ether acetate having a solubility of approximately 100% wt (a soluble solvent), wherein the ratio of the former to the latter is from 0.5:1 to 1.5:1. This provides a maximum amount of insoluble surfactant of 5.5% wt., and a maximum amount of soluble surfactant of 3.5% wt. The teachings of the Feng patent are illustrated by the diagram attached hereto as Exhibit "A". The solvent ratios disclosed in the Feng patent fall within the closed figure shown in Exhibit "A".

7. In addition, I have tested compositions having the ratio of solvents described in the Feng patent. In one test, polymerized grease is removed from stainless steel by contacting the soil with the product for 5 minutes and wiping the surface. The percent removal is determined gravimetrically. Such compositions typically remove between about 22% to 27% of the grease after greater than 10 minutes. The surface tension of such compositions is greater than 24.5 mN/m.

8. The compositions described in the claims of the pending application have a liquid surface tension of less than about 24.5 mN/m. In certain embodiments, the claimed compositions can remove greater than 90% polymerized grease in less than 5 minutes. Without wishing for the claims to be limited to any particular theory, this is believed to be due to the lower liquid surface tension of the claimed compositions.

9. The claimed compositions, therefore, have a lower surface tension than the compositions described in the Feng reference. This can lead to better performance by the claimed compositions.

Respectfully submitted,

Howard D. Hutton, III

March 23, 2004

Exhibit "A"

Reckitt Solvent Claims